

Chair Boyle called the regularly scheduled meeting to order at 10:03 a.m. with Commissioners Boyle, Lowell Johnson, Rod Johnson, Landis and Vap present.

GENERAL ADMINISTRATION

Notice was duly published April 1, 2003, on Page 7 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held April 8, 2003, at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

GENERAL ADMINISTRATION

The Commission approved the following invoices:

Hamilton Relay	\$ 81,826.38
Larry Fauss	800.00
Michigan State University	385.00
Robert Bowman	866.42
Fred Massing	681.57
Kent Pribyl	616.62
John Fecht	929.95
Gerald Vap	507.60

Attention was called to the following proceedings:

Wednesday, April 9, 2003:

B-1415	Commission Hearing Room, Lincoln.
9:30	Rodney D. Oberle, dba Park Avenue Limousines, Vermillion, South Dakota. Commissioner Boyle chairing.
MCC-3150	Commission Hearing Room, Lincoln.
9:30	Andy S. Pollock, Director, Motor Transportation Department, Nebraska Public Service Commission, vs. Island Limousine Service, Limo de Luxe, Royal Flush Coach Service, Al's Hauling & Moving Co., Chief Transfer & Storage, Inc., and Murphy Moving. Commissioner Boyle chairing.
B-1611	Commission Hearing Room, Lincoln.
10:00	Angel Vazquez, dba El Aguila Transportation, Lexington, seeking authority as a common carrier in Nebraska intrastate commerce in open class service for the transportation of passengers by taxicab between points within a 40-mile radius of Lexington over irregular routes. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized. Commissioner Vap chairing.

GENERAL ADMINISTRATION (Cont.)

Monday, April 14, 2003:

B-1610 Commission Hearing Room, Lincoln.
10:00 J. M. Wolfies, Inc., North Platte, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers between points in North Platte and between points in North Platte and points in Nebraska. To include the transportation of clients of the Nebraska Department of Health and Human Services. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized. Commissioner Landis chairing.

Tuesday, April 15, 2003:

C-2648 Commission Hearing Room, Lincoln. Oral Argument.
1:30 Nebraska Technology & Telecommunications, Inc., Lincoln, seeking arbitration of the interconnection rates, terms and conditions with Aliant Communications Co., dba Alltel, Lincoln. Commissioner Boyle chairing.

Thursday, April 17, 2003:

M-14107 Video Hearing. Commission Library, Lincoln; Nebraska State
10:00 Office Building, Room 207, 2nd Floor, 1313 Farnam on the Mall, Omaha; Public Library, 2nd Floor, 517 West 4th Street, Hastings; and, Von Riesen Library, Room 6, 1205 East 3rd Street, McCook. TTEMM, Inc., dba Two Men and a Truck, Omaha, seeking to extend the authority as a common carrier in Nebraska intrastate commerce in the transportation of household goods between points within the state of Nebraska. Commissioner Boyle chairing.

Andy Pollock discussed ex parte laws.

COMMUNICATIONS DEPARTMENT

FC-1296 In the Matter of Cox Nebraska Telcom, L.L.C., Omaha, and
FC-1297 Illuminet, Olympia, Washington, vs. Qwest Communications, Inc., Omaha, alleging violations of state law and policy, as well as tariff obligations and Alltel Nebraska, Inc. and ALLTEL Communications of Nebraska, Inc., Complainant, vs. Qwest Corporation, Respondent, requesting a review of Qwest's Common Channel Switched Access Capability Signaling rate elements as set forth in Qwest's Access Service Catalog: Gene Hand informed the Commission that a Motion for Summary Dismissal pursuant to Rule 7B(1) was filed with the Court of Appeals by Alltel Nebraska, Inc.; Alltel Communications of Nebraska, Inc.; Illuminet, Inc.; and Cox Nebraska Telcom, L.L.C. on April 2, 2003.

COMMUNICATIONS DEPARTMENT (Cont.)

C-2780 In the Matter of Level 3 Communications, LLC, Broomfield, Colorado, seeking arbitration to resolve issues relating to an interconnection agreement with Qwest Communications, Denver, Colorado: Gene Hand informed the Commission that on April 2, 2003, Level 3 Communications filed its Opposition to Qwest Corporation's Protest Against the Arbitrated Interconnection Agreement between Qwest and Level 3.

Gene Hand informed the Commission that Internet Protocol Relay Service is now available in Nebraska from Hamilton Telecommunications.

Gene Hand discussed with the Commission the information contained in the Federal Telecommunication Relay Service Fund Performance Status Report.

Gene Hand discussed a letter dated March 31, 2003, from William Levis of WorldCom, addressing problems WorldCom has encountered with Qwest's Operational Support Systems (OSS).

Gene Hand discussed the following statement found on bills rendered by Ionex Telecommunications, Inc., "Ionex Telecom is the only carrier in our territory that is debt free and has never filed for bankruptcy!" The staff was directed to investigate and have the matter on the next Commission agenda.

C-2846 In the Matter of the Petition from residents of the Creston exchange, served by Qwest Corporation, requesting extended area service (EAS) to the Columbus exchange, served by Citizens Telecommunications Company of Nebraska: Gene Hand informed the Commission that information has been received indicating that Qwest proposed rates will be filed by April 15, 2003.

UNIVERSAL SERVICE FUND

NUSF-4 In the Matter of the Commission, on its own motion, seeking to determine the level of the fund necessary to carry out the Nebraska Telecommunications Universal Service Fund Act to be effective fiscal year beginning July 1, 2003: Upon agreement of all Commissioners, a hearing was set for May 13, 2003, at 2:00 p.m. in the Commission Hearing Room, Lincoln.

NUSF-32 In the Matter of the Commission, on its own motion, seeking to conduct an inquiry into the failure of various companies to comply with Commission Orders and, at its own discretion, impose administrative fines against the named defendants: Upon agreement of all Commissioners, a hearing was set for May 13, 2003 at 1:00 p.m. in the Commissioner Hearing Room, Lincoln.

UNIVERSAL SERVICE FUND (Cont.)

Upon agreement of all Commissioners, Commemorative Resolutions for Advisory Board Members Chuck Fast and Floyd Olson were signed and presented.

Jeff Pursley discussed the revised Late Fee Procedures for late-filed carrier worksheets and payments, with the Commission.

NUSF-34 In the Matter of the Commission, on its own motion, seeking to conduct an inquiry into the failure to accurately report information as set forth in Commission rules and regulations and Commission orders: Jeff Pursley discussed proposed true-up data requests.

Jeff Pursley informed the Commission that a request from Elsie/Dalton electing to report on a Nebraska only, three-year test period had been received and had been publicly noticed on April 4, 2003.

Jeff Pursley discussed the verification of Henderson Cooperative Telephone Company, d/b/a/ Mainstay Communications', request for additional NUSF support.

NUSF-33 In the Matter of the Commission, on its own motion, seeking to investigate the audit requirements related to the Nebraska Universal Service fund: Jeff Pursley discussed audit requirements.

FEDERAL REPORT

Congress

Universal Service Fund: Representative Lee Terry has introduced legislation that would change how federal universal service funds are allocated to nonrural areas. Currently, under the nonrural program formula, all operations in a state are included in evaluating a carrier's eligibility for high-cost funds. The formula can work to the disadvantage of mostly rural states that have a few larger cities, which skew the calculations of the costs service in other parts of the state. TR Daily gave the example of Nebraska, which is mostly rural but does not qualify for funds because of the extent to which Omaha skews the numbers. In addition, neither of the Dakotas get funding.

The legislation would instead mandate evaluations based on individual wire centers. Rep. Terry said that under the revised formula, 46 states would receive reimbursement, as opposed to eight today.

FEDERAL REPORT (Cont.)

FCC

Do-not-call: Comments will be due May 5 in a proceeding that examines the effect of the Federal Trade Commission's "do-not-call" list and the new "Do-Not-Call Implementation Act" on the FCC. Replies are due May 19 in Consumer and Governmental Affairs docket 02-278.

LEGISLATIVE REPORT

Laura Davenport reported on the status of LB 650.

Commissioner Boyle left the Commission Hearing Room.

GRAIN WAREHOUSE DEPARTMENT

John Fecht discussed the following shortages:

GW-1154 Soybeans at Heartland Co-op, Juniata

GW-2157 Soybeans at Coleridge Grain & Feed, Inc., Coleridge

GW-199 In the Matter of Meyer & Meyer Grain, Randolph: John Fecht briefed the Commission regarding the examination of April 7, 2003, and the filing of the Certificate of Deposit as security.

GW-1154 In the Matter of Heartland Co-op, Hastings, seeking to buy the grain on lost Public Grain Warehouse Receipts B577402 and B577415: Upon agreement of all Commissioners present, the application was granted.

GW-1154 In the Matter of Heartland Co-op, Hastings, seeking to cancel lost void Public Grain Warehouse Receipts B577405 and B577408: Upon agreement of all Commissioners present, the application was granted.

GW-1921 In the Matter of Mackey Elevator, Inc., Omaha: A Complaint, Order to Show Cause and Temporarily Suspend the License was entered. A hearing was scheduled for May 14, 2003, at 1:30 p.m. CDT in the Commission Hearing Room, Lincoln.

Grain Dealer Division

GD-2756 In the Matter of Tim Miller, Beaver Crossing, seeking to cancel his Grain Dealer License: Application was granted effective April 1, 2003.

GRAIN WAREHOUSE DEPARTMENT (Cont.)

GD-2737 In the Matter of Liberty Mutual Insurance Company requesting cancellation of its Bond No. 14-003-068-44 issued on behalf of Golden Valley Microwave Foods, a division of ConAgra, Inc., Edina, Minnesota, for \$150,000: Application was granted effective April 2, 2003.

GD-2808 In the Matter of NFO Members Grain, Inc., Ames, IA: John Fecht advised the Commission of receipt of an interim financial statement and will discuss the statement with department staff. Upon review, the Commission will be apprised of the findings.

TRANSPORTATION DEPARTMENT

B-1570 In the Matter of Khalid Khalafalla, dba Blue Ride, Omaha, seeking authority as a common carrier of passengers in Nebraska intrastate commerce to provide van and sedan service in open class service including clients of the Nebraska Department of Health and Human Services or subcontractors thereof between points in Douglas and Sarpy counties: Upon agreement of all Commissioners, the application was dismissed.

B-1584 In the Matter of Robert Bass, dba Upper Nile Staff, Omaha, seeking a name change to Robert Bass, dba Choice Medical Transportation, Omaha: Upon agreement of all Commissioners, the order recognizing applicant's name change was entered.

B-1589 In the Matter of Napoleon P. Agonor, dba Ultimate Transfer, Omaha, seeking authority as a common carrier of passengers in intrastate commerce to provide van service in open class service including clients of the Nebraska Department of Health and Human Services or subcontractors thereof between points in Omaha, Bellevue, Papillion, LaVista, Ralston, and Elkhorn. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized: Upon agreement of all Commissioners, the application was dismissed.

B-1613 In the Matter of Rick Holloway, dba Taxi Specialties of Lexington, Lexington, seeking authority as a common carrier of passengers by taxicab over irregular routes between points in Lexington and between points in Lexington and points in Nebraska: The video hearing previously set for April 10, 2003, was continued to May 1, 2003, at 1:30 p.m. in the Commission Library, Lincoln; Nebraska State Office Building, Room 207, Second Floor, 1313 Farnam on the Mall, Omaha, Public Library 2nd Floor, 517 West Fourth Street, Hastings; Von Riesen Library, Room 6, Basement Level, 1205 East 3rd Street, McCook; and Public Library and Information Center, 2nd Floor, 2020 First Avenue, Kearney. Commissioner Vap will preside as Hearing Officer.

TRANSPORTATION DEPARTMENT (Cont.)

Rate Division

MR-930 In the Matter of Movers and Warehouse Division, Nebraska
Motor Carriers Association, Lincoln, seeking authority to
establish a fuel surcharge in Nebraska Official Household Goods Tariff
7-E: The fuel surcharge was reduced to 16 cents per mile, and the
taxi surcharge was reduced to 20 cents per trip.

The meeting adjourned at 11:35 a.m. with Commissioners
Lowell Johnson, Rod Johnson, Landis and Vap present and Commissioner
Boyle excused. The next regularly scheduled meeting will be held on
April 15, 2003, at 10:00 a.m. with an agenda to be available in the
office of the Executive Director at 10:00 a.m. on April 14, 2003.

Chair

Executive Director